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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,423	10/02/2000	John M Boyd	LAM2P206	4367

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,423

Applicant(s)

BOYD ET AL.

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 05. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "a first position and a second position" in the last line rendering the claim indefinite. It is unclear what is being "defined" by the first and second "position" is the pressure application defined by these "positions" or the application surface? The claim language as written is vague.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

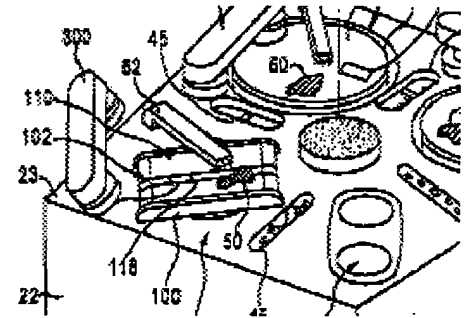
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1, 2, 11, 12, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al., US Patent No. 6,322,427.

Li et al. discloses all the limitations of claims 1 and 12 (as best understood), i.e., a fixed abrasive pad (110), a "web" dressing media, rotary pad conditioner (300), and a pressure application plate vertical section of the conditioning arm (300) defined by two positions, lower portion of the section and the upper portion.

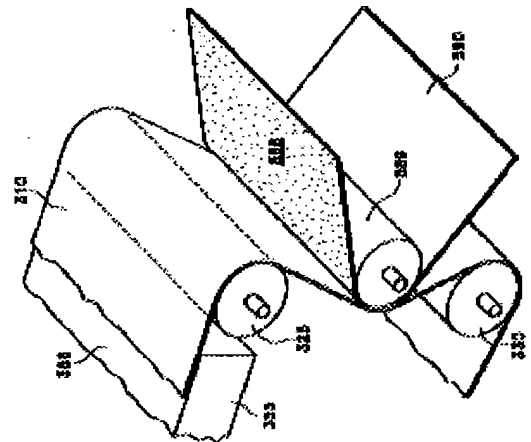


Regarding claims 2 and 14, the conditioning would inherently meet the limitations.

Regarding claim 11, Li et al. meets the limitations.

6. Claims 1-9 and 11-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Donohue et al., US Patent No. 6,312,319.

Donohue et al. discloses all the limitations of claims 1, 12 and 19, i.e., a fixed abrasive pad (310), a web dressing media (590) having a contact surface defined between a first point and a second point (edges of the web), a feed roller, a take up roller (not shown, col. 17, line 30-45); a pressure application plate (589) applied to a surface opposite the contact surface.



Regarding claims 9 and 20, embodiment shown in Fig. 18 depicts a housing (593).

Regarding lowering and contacting the surface, Donohue et al. meets the limitations, e.g., liner actuator (681) in embodiment of Fig. 22.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. in view of Chopra et al., US Patent No. 6,361,411.

Li et al. as applied to claims 1 and 12 above meets all the limitations of the above claims, except for specifically disclosing controlling the pressure applied, i.e., stabilizer. It is known in the art, to use controller for adjusting the pressure of conditioning device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a stabilizer (controller), since it was known in the art that to control the pressure applied to the pad for enhancing the dressing operation.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. in view of Donohue et al.

Li et al. meets all the limitations of the above claim, except for a housing enclosing the elements. Donohue et al. teaches a vacuum port enclosed in a housing with the conditioning element, Fig. 18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the condition system of Li et al. with a vacuum port and enclose the system as taught by Donohue et al. to further enhance the conditioning operation by vacuuming the debris from the polishing pad.

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Allowable Subject Matter

10. Claim 10 and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

11. Applicant's arguments filed 07/19/02 have been fully considered but they are moot in view of new grounds of rejections. However the following remarks are noted:

With regards to the rejection under 35USC 102 (e), over Li et al., Applicant argues that Li et al. does not disclose all the limitations of claims 1 and 12 as amended. However, Applicant fails to define how Li et al. fails to meet the claim limitations, by broadly reciting five reasons.

First point is that Li et al. fails to teach a web dressing media or a pressure application plate, but as indicated in the first Office Action, Li et al. discloses a web dressing media (300) and a pressure plate (100). Applicant does not set forth any reasons why the web dressing media or the pressure plate, as disclosed by Li et al. fails to meet the limitations as recited in the claims.

The second point is that Li et al. fails to disclose a contact surface defined between a first point and a second point where the first point is separate from the second point. It is inherent for the dressing media to have a "contact" surface to dress the web and also inherent that the Li et al.'s "conventional rotary pad conditioner", as defined by the Applicant, to have two points separated from each other, i.e. a contact surface vs. a contact point. Here again the Applicant fails to set forth any reasons why the rotary pad conditioner, as disclosed by Li et al. fails to meet the limitations as recited in the claims.

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The third point is that Li et al. fails to teach a web dressing media that is positioned over the fixed pad such that the contact surface is applied to the polishing pad. First, the claim only recites that the dressing media is configured *to be* positioned over the pad such that the contact surface of the dressing media configured *to be* applied... Fig. 3 clearly discloses the dressing media to be positioned over the abrasive pad such than a contact surface configured to be applied to the fixed pad. Again the Applicant fails to set forth any reasons why the pad conditioner, as disclosed by Li et al. fails to meet the limitations as recited in the claims.

The forth point is that Li et al. fails to disclose a pressure application plate that is applied against an application surface of the web dressing media. The "pressure plate" (300), in the disclosed in Fig. 3 of Li et al. is the vertical portion of the conditioning arm carrying the rotary pad conditioner. Here again the Applicant needs to set forth any reasons why the carrying arm, as disclosed by Li et al. fails to meet the limitations as recited in the claims.

The fifth point is that Li et al. fails to disclose an application surface of the web dressing media opposite to the contact point defined between a first position and a second position. It is disclosed for the dressing media to have an "application" surface opposite to the contact surface in Fig. 3, i.e., the surface connecting to the vertical portion of the carrying arm, and defined between a first position and a second position, e.g., active position and non-operating position. Here again the Applicant needs to set forth any reasons why the rotary pad conditioner, as disclosed by Li et al. fails to meet the limitations as recited in the claims.

Applicant's failure to clearly differentiate between the apparatus of prior art, e.g., Li et al., and the claimed invention, is reflective of broad limitations of claims 1 and 12. Lacking any structural limitations distinguishing claim limitations or definitions from that of prior art necessitates maintaining the rejection over Li et al.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. Official documents may be faxed to (703) 872-9302, after final to (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.

HS



September 14, 2002



EILEEN P. MORGAN
PRIMARY EXAMINER

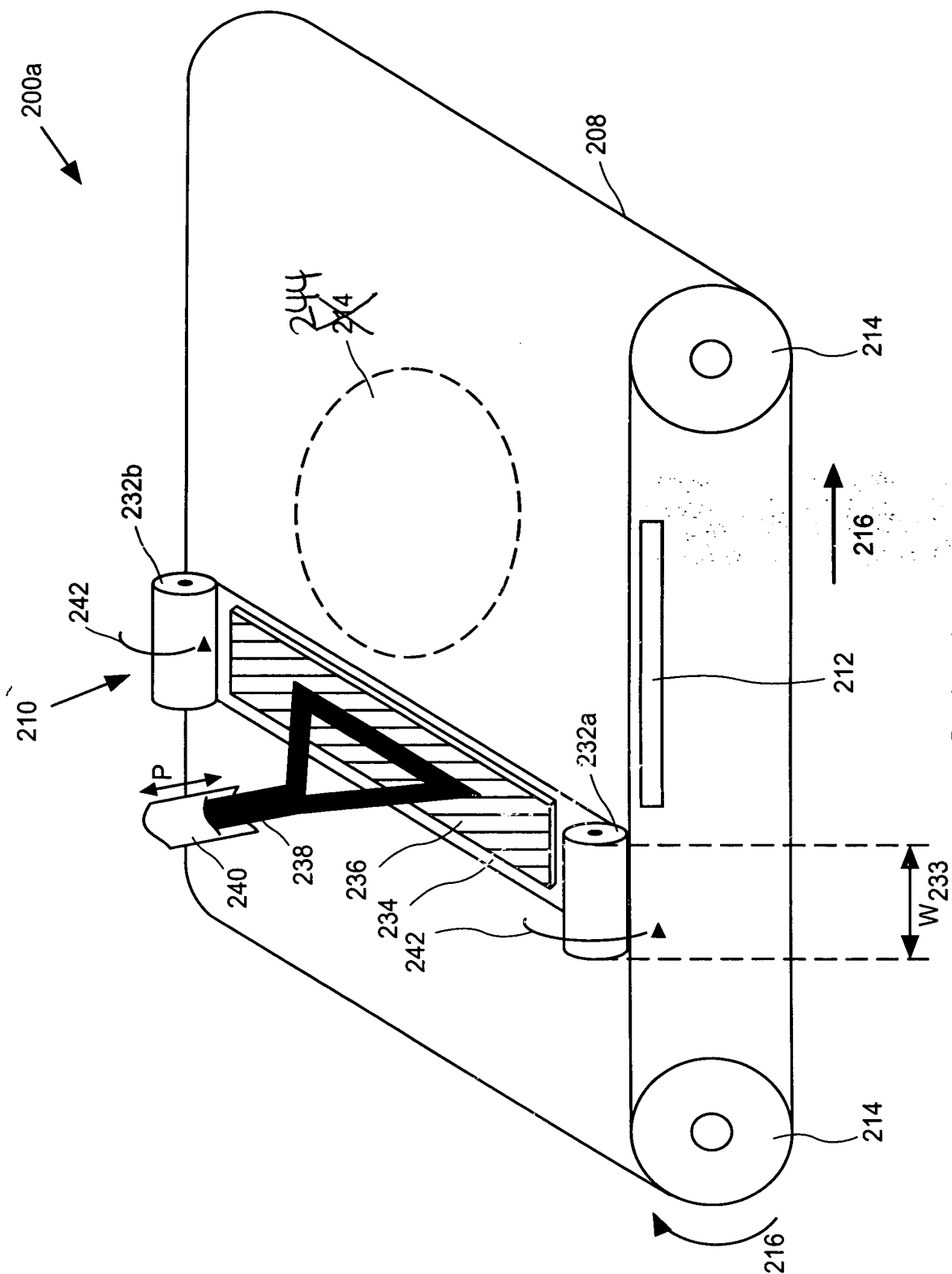


FIG. 2A-1

APPROVED
 9/4/02